

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CECIL JEROME HATCHETT,

Petitioner,

v.

KEN CLARK,

Respondent.

No. 2:19-cv-2628 JAM CKD P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 7, 2020, the magistrate judge filed findings and recommendations herein which were served on petitioner and which contained notice to petitioner that any objections to the findings and recommendations were to be filed within fourteen days. Petitioner has filed objections to the findings and recommendations.¹

¹ The magistrate judge found the court does not have jurisdiction over petitioner's petition for writ of habeas corpus concerning his Sacramento County conviction for indecent exposure because he has served his sentence with respect to that conviction. In his objections, petitioner now seems to suggest he has not yet been sentenced as to that offense and will be when his current term ends. If this is the case, the court still does not have jurisdiction as there is no state court judgment with respect to the indecent exposure offense. See 28 U.S.C. § 2254(a) (court has authority under § 2254 to grant writ of habeas corpus as to a "judgment" of a state court).

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this
2 court has conducted a de novo review of this case. Having carefully reviewed the entire file, the
3 court finds the findings and recommendations to be supported by the record and by proper
4 analysis.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The findings and recommendations filed May 7, 2020, are adopted in full;
- 7 2. Petitioner's second amended petition for writ of habeas corpus (ECF No. 16) is
8 summarily dismissed; and
- 9 3. The court declines to issue the certificate of appealability referenced in 28 U.S.C. §
10 2253.

11 DATED: June 1, 2020

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13 /s/ John A. Mendez

14 UNITED STATES DISTRICT COURT JUDGE
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